

JAN. 4. 2006 7:10PM

866 741 0075

NO. 5082 P. 1

Nixon Peabody LLP

Attorneys at Law

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

Fax: (202) 585-8080

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) MAIL STOP AMENDMENT - Group Art Unit 1771	USPTO	571-273-8300	
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Thomas W. Cole	Date: January 4, 2006	No. of Pages: (including this page) 3	RECEIVED CENTRAL FAX CENTER JAN 04 2006
Comments: In re Patent Application of: Takahiro KUME et al. Serial No. 10/798,305 Filed: March 12, 2004 For: POLISHING SHEET AND MANUFACTURING METHOD OF ELASTIC PLASTIC FOAM SHEET FILED HERewith: Supplemental Response to Restriction Requirement			

Original of the transmitted document will be sent by:
☐ First Class Mail ☐ Overnight Mail ☐ Hand Delivery ☐ This transmission will be the only form of delivery of this document

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (202) 585-8000. THANK YOU.

CONFIRMATION: DATE SENT _____ TIME _____ BY _____

INTEROFFICE TO: ☐ Albany ☐ Boston ☐ Buffalo ☐ Florida ☐ Garden City ☐ Hartford ☐ Los Angeles
 ☐ Manchester ☐ New York City ☐ Northern Virginia ☐ Orange County ☐ Philadelphia ☐ Providence
 ☐ Rochester ☐ San Francisco ☐ Washington

To:	Company	Fax #:	Telephone #:
1) MAIL STOP AMENDMENT - Group Art Unit 1771	USPTO	571-273-8300	
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Thomas W. Cole	Date: January 4, 2006	No. of Pages: (including this page) 3	Client/Matter: 742158-9
User #: 8682	Ext: 8206	Disbursement Amount: \$	

Atty Docket: 742158-9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takahiro KUME et al.

Serial No. 10/798,305

Filed: March 12, 2004

For: POLISHING SHEET AND
MANUFACTURING METHOD OF
ELASTIC PLASTIC FOAM SHEET) Confirmation No.: 5795
) Group Art Unit: 3723
) Examiner: Victor S. Chang
)
) DATED: January 4, 2006
)RECEIVED
CENTRAL FAX CENTER
JAN 04 2006SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENTMAIL STOP AMENDMENTCommissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed December 21, 2005, Applicant further elects the Species of the invention recited in claims 1-3 and 9 of the claims of Group I (claims 1-14). However, Applicants respectfully traverse this species-type restriction requirement. In the Office Action mailed on October 28, 2005, the Examiner states that "there is no generic product claim." However, all the claims 2-14 are either directly or indirectly dependent upon elected claim 1. While it is true that there are several embodiments of the product of the invention, each of these embodiments includes the limitations of claim 1. Accordingly, Applicant submits that claim 1 is generic, and that the allowance of claim 1 would mandate the examination of the non-elected species claims 4-8 and 10-14.

Reconsideration and withdrawal of this statement by the Examiner that "No claims are generic" is accordingly requested.

CERTIFICATE OF FAX TRANSMISSION
I hereby certify that this correspondence is being
facsimile transmitted to the USPTO at
571-223-8300, on 1-4-06
Linda Swink
Linda Swink

- 2 -

Application No. 10/798,305
Docket No. 742158-9

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

By:



Thomas W. Cole

Registration No. 28,290

NIXON PEABODY LLP
Customer No. 22204
401 9th Street, N.W.
Suite 900
Washington, D.C. 20004
Telephone: (202) 585-8000